



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/068,467

02/05/2002

Fradique Lee-Duarte

2253/001

6757

1473

7590

03/12/2003

FISH & NEAVE
1251 AVENUE OF THE AMERICAS
50TH FLOOR
NEW YORK, NY 10020-1105

EXAMINER

ZEADE, BERTRAND

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,467

Applicant(s)

LEE-DUARTE, FRADIQUE

Examiner

Bertrand Zeade

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Application/Control Number: 10068467

Art Unit: 2875

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-12, 15-19 are rejected under 35 U.S.C. 102(e) as being anticipate by Stan et al.

(U.S.6,429,594).

Stan (594) discloses a continuously variable headlamp control having:

Regarding claim 1, a light or headlamp (22) for a highway vehicle (20) for illuminating an area through which another vehicle (28) that is coming in the opposite direction toward the first mentioned vehicle (20) will pass as the other vehicle (28) passes the first-mentioned vehicle (20), the light (22) being directed away from the front of the first-mentioned vehicle (20).

Regarding claim 2, the light (22) is directed at least partly to one side of the first-mentioned vehicle (20), the one side being the side along which the other vehicle will pass.

Regarding claim 3, the light (22) is directed at least partly toward the rear of the first-mentioned vehicle (20) along the side of the first mentioned vehicle that the other vehicle will pass.

Art Unit: 2875

Regarding claim 4, the light (22) is adapted for mounting on the side of the first mentioned vehicle (20) that the other vehicle will pass.

Regarding claim 5, the light (22) is adapted for mounting on the driver's side of the first-mentioned vehicle (20).

Regarding claim 6, in combination with mounting structure adapted to mount the light (22) on the first mentioned vehicle (20).

Regarding claim 7, the mounting structure is adapted to permit adjustment in direction of the light (50).

Regarding claim 8, in combination with light control circuitry (342) adapted to selectively automatically turn on the light.

Regarding claim 9, the light control circuitry (342) is adapted to turn on the light in response to detection of the other vehicle coming in the opposite direction toward the first-mentioned vehicle.

Regarding claim 10, the light control circuitry (342) includes sensor (52) circuitry adapted to detect light from the headlights (22) of the other vehicle coming in the opposite direction toward the first-mentioned vehicle (26).

Regarding claim 11, the light control circuitry (342) is further adapted to keep the light on for a time after cessation of a condition that caused the light to be turn on (see figs.16-18).

Regarding claim 12, the time is limited so that the light is thereafter automatically turned off (see figs. 16-22).

Art Unit: 2875

Regarding claim 6, the light (22) in combination with mounting structure adapted to mount the light (22) on the first-mentioned vehicle (20).

Regarding claim 7, the mounting structure is adapted to permit adjustment in direction of

Regarding claim 6, the light (22) in combination with mounting structure adapted to mount the light (22) on the first-mentioned vehicle (20).

Regarding claim 7, the mounting structure is adapted to permit adjustment in direction of the light (22).

Regarding claim 8, the light (22) defined in combination with light control circuitry adapted to selectively automatically turn on the light (634).

Regarding claim 9, the light (22) defined the light control circuitry is adapted to turn on the light in response to detection of the other vehicle coming in the opposite direction toward the first-mentioned vehicle.

Regarding claim 10, the light control circuitry includes sensor circuitry adapted to detect light from the headlights of the other vehicle coming in the opposite direction toward the first mentioned vehicle.

Regarding claim 11, the control circuitry (342) is further adapted to keep the light on for a time after cessation of a condition that caused the light to be turned on.

Regarding claim 12, the time is limited so that the light is thereafter automatically turned off.

Art Unit: 2875

Regarding claim 15, a spotlight or illumination range (24); a structure (see figs. 21-22) for supporting the spotlight on the left lateral side of the first-mentioned vehicle (20) so that the spotlight (24) points away from the front of the first-mentioned vehicle (20) but into an area through which the other vehicle will pass in the course of passing the first-mentioned vehicle (28/26); and a photosensor or array sensor (52) that is enabled when the first-mentioned vehicle's headlights are turned on, and that when thus enabled, is activated by light from the headlights of the other vehicle to turn on the spotlight (24).

Regarding claim 16, the structure is adapted to allow adjustment of the spotlight's direction (see fig. 15-22).

Regarding claim 17, a track adapted to allow adjustment of the height of the spotlight; a first rotatable coupling adapted to allow adjustment of the angle of the spotlight about a substantially vertically horizontal axis.

Regarding claim 18, the photosensor or array sensor (52) is located in a light protector tunnel.

Regarding claim 19, the structure (see figs. 21-22) is adapted for mounting on the left front fender of the first-mentioned vehicle (20) .

Art Unit: 2875

Allowable Subject Matter

2. Claims 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record neither teach nor suggest light outputs an amount of light at least equal to about 25% of the light output by a low beam headlight of the first-mentioned vehicle and the light outputs an amount of light at least equal to about 50% of the light output by a high beam headlight of the first-mentioned vehicle.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Hbaumanns (U.S.3,249,761) discloses a photoelectric headlamp dimmer which adjusts headlamps inwardly..

Application/Control Number: 10068467

Page 5

Art Unit: 2875

Contact Information

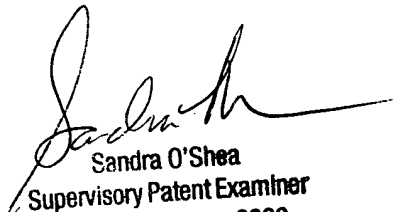
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 703-308-6084. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Examiner: Bertrand Zeade

March 6, 2003.


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800